

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3762

IN THE MATTER OF:

Served May 23, 1991

Application of B&J TRANSPORTATION, )  
INC., for a Certificate of )  
Authority -- Irregular Route )  
Operations )

Case No. AP-91-02

By application filed December 18, 1990, amended March 13, 1991, and completed subsequent to March 22, 1991, B&J Transportation, Inc. (B&J or applicant), seeks a Certificate of Authority \*/ to transport passengers in irregular route operations between points in the Metropolitan District.

By Order No. 3669, served April 5, 1991, notice of this application was given, and applicant was directed to publish further notice in the newspaper no later than April 15, 1991. Order No. 3669 directed applicant to file an affidavit of publication no later than May 15, 1991. Applicant complied with these directions, and no protests or comments have been filed in this case. No person has requested a hearing in this matter. Therefore, the matter is now ripe for decision.

SUMMARY OF EVIDENCE

Applicant is a recently-formed District of Columbia corporation, the stock of which is held jointly by Benjamin Johnson, applicant's president; Mattie J. Johnson, applicant's vice president; Valerie Fraling, applicant's treasurer; and Cheryl Wright, applicant's secretary.

Applicant proposes to transport passengers for hire over irregular routes between points in the Metropolitan District. The proposed transportation would include service to non-ambulatory participants in the District of Columbia's Medicaid program for medically related purposes as well as other transportation of handicapped persons. Applicant would initiate the proposed transportation using four vehicles, each having a manufacturer's designed seating capacity of 15 persons or less (including the driver).

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\*/ B&J initially applied for a Certificate of Public Convenience and Necessity. While that application was pending, the Compact was amended. The case number used here is that assigned to the initial application, and all filings concerning that initial application will be considered part of this application.

The vehicles would be owned by applicant's president and leased to the corporation. The vehicles would be modified to permit loading and unloading of persons in wheelchairs and to secure wheelchair-bound passengers in transit.

Vehicles would be checked daily and subjected to a preventive maintenance regime on a 3,000 mile schedule. Each driver would be required to have a clean driving record, a valid local driver's license, and an annual physical. Drivers would be responsible for checking vehicles daily, for performing minor repairs, for operating the vehicle safely, and for transporting passengers courteously. Drivers would be given specific training and, after passing a written test, would be required to drive under supervision for a specified period of time.

Applicant has not been assigned a safety rating by the United States Department of Transportation (USDOT). However, applicant's president certifies on B&J's behalf that it has access to and is familiar with all USDOT regulations relating to safe operation of commercial vehicles and safe transportation of passengers for hire and will comply with those regulations. Applicant's president further certifies on B&J's behalf that B&J has access to and is familiar with the Compact and the Commission's rules and regulations, that it will comply with them, and that there are no proceedings, either completed or pending, in which B&J has been found unfit or in which its fitness is under investigation by this Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the Interstate Commerce Commission, or USDOT.

With its application B&J filed a balance sheet as of November 30, 1990 (see footnote p.1) showing current assets of \$14,800, including \$10,000 cash. "Liabilities and net worth" are listed as (1) \$2,000 capital contribution, (2) \$8,000 corporate loans, and (3) \$4,800 stockholder equity. Applicant shows no operating history. For the first 12 months of WMATC operations, applicant projects operating income of \$220,320, and operating expenses of \$157,045, excluding depreciation and taxes, resulting in an operating ratio of .71.

Applicant proposes a tariff with two sets of per capita rates. The charge for District of Columbia Medicaid participants, all of whom would be non-ambulatory passengers en route to or from medical treatment, would be \$35 per round trip, \$25 per one-way trip, and \$5 each way for unusual conditions requiring extra help. Otherwise B&J proposes to charge \$50 per round trip, \$30 per one-way trip, \$10 each way for unusual conditions requiring extra help, and \$15 for a passenger escort. For all trips a surcharge of \$.75 per loaded mile beyond the Capital Beltway and \$5 per 15-minute waiting period would be charged.

In support of the application B&J's president states  
" . . . applicant would provide the public with another qualified, fully equipped, conscientious, and efficient carrier . . . capable

of serving the entire Washington Metropolitan area and seeking to serve Medicaid, private pay, ambulatory and non-ambulatory patients." The application is supported by five public witnesses.

Margie Vega, ward clerk in charge of transportation at Bio-Medical Applications of D.C., states that its Dupont Circle facility handles approximately 120 dialysis patients daily. The facility's clients include ambulatory as well as non-ambulatory persons who require transportation between 11 Dupont Circle, Washington, DC, on the one hand, and, on the other, points in the Metropolitan District. Denise Williams, facility administrator at Bio-Medical Applications of D.C. states that its facility at 2051 Martin Luther King Avenue, S.E., Washington, DC, handles approximately 22 dialysis patients daily. The facility's clients include ambulatory as well as non-ambulatory persons who require transportation between the facility, on the one hand, and, on the other, points in the Metropolitan District. Helene Zeltzer, social worker at Grant Park Dialysis Center, 5000 Nannie Helen Burroughs Avenue, N.E., Washington, DC, attests on behalf of that facility. Grant Park Dialysis Center serves approximately 40 persons daily. Its clients include ambulatory and non-ambulatory persons who require transportation between the Center, on the one hand, and, on the other, points in the Metropolitan District. Tom Perkins, administrator of Bio-Medical Applications of Maryland, 4915 Auburn Avenue, Bethesda, MD, attests on behalf of that facility that it requires the transportation services of a carrier capable of transporting both ambulatory and non-ambulatory passengers between its facility, on the one hand, and, on the other, points in Prince George's and Montgomery Counties, MD, and Washington, DC. Most transportation required is between points in Montgomery County, MD. Barbara C. Griffin, director of nursing for Georgetown University Hospital's dialysis unit, 3800 Reservoir Road, N.W., Washington, DC, attests that the unit serves 15 patients daily. The unit's clients include both ambulatory and non-ambulatory persons, and the unit requires transportation between its Northwest Washington location, on the one hand, and, on the other, points in the Metropolitan District.

#### DISCUSSION AND CONCLUSIONS

This case is governed by the Compact, Title II, Article XI, Section 7(a) which provides in relevant part that:

. . . the Commission shall issue a certificate to any qualified applicant, . . . if it finds that -

(i) the applicant is fit, willing, and able to perform that transportation properly, conform to the provisions of this Act, and conform to the rules, regulations, and requirements of the Commission; and

(ii) that the transportation is consistent with the public interest.

Based on the record in this case, the Commission finds applicant to be fit operationally, financially, and as to compliance. The Commission further finds that the proposed transportation is consistent with the public interest. Consequently, B&J's application will be granted

insofar as it pertains to transportation of passengers in vehicles having a manufacturer's designed seating capacity of 15 persons or less, including the driver.


THEREFORE, IT IS ORDERED:

1. That B&J Transportation, Inc., is hereby conditionally granted, contingent upon timely compliance with the terms of this order, authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation of passengers in vehicles with a manufacturer's designed seating capacity of 15 persons or fewer, including the driver.

2. That B&J Transportation, Inc., is hereby directed, within 30 days of the date of this order or such additional time as the Commission may direct or allow, to file (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 3623; (b) five copies of its tariff, as proposed in its application, in accordance with Commission Regulation No. 55; (c) an equipment list stating the make, model, serial number, vehicle number, license plate number (with jurisdiction), seating capacity of each vehicle to be used in revenue operations in the Metropolitan District, and modifications to vehicles to enable the safe loading and unloading of persons in wheelchairs and to secure wheelchair-bound passengers in transit; (d) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations in the Metropolitan District; (e) its official business address as discussed in Commission Regulation No. 68; and (f) an affidavit of identification of vehicles pursuant to Commission Regulation No. 61 for which purpose WMATC No. 181 hereby assigned.

3. That upon timely compliance with the requirements of the preceding paragraph and acceptance of the materials required by the Commission, Certificate of Authority No. 181 shall be issued to B&J Transportation, Inc., in the form and as worded in the Appendix to this order.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS SCHIFTER AND SHANNON:

  
William H. McGilvery  
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

CERTIFICATE OF AUTHORITY

NO.181

B&J Transportation, Inc.

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By Order No. 3762 of the Washington Metropolitan Area Transit Commission issued May 23, 1991;

WHEREAS, the above-named carrier is entitled to receive authority to transport passengers within the Washington Metropolitan Area Transit District;

THIS CERTIFICATE OF AUTHORITY is hereby issued to the said carrier as evidence of the authority to engage in the for-hire transportation of passengers by motor vehicle; subject, however, to such terms, conditions, and limitations as are now, or may hereafter be, attached to the exercise of the privilege granted to the said carrier:

IRREGULAR ROUTES, transporting passengers between points in the Washington Metropolitan Area Transit District;

RESTRICTED TO (1) operations conducted according to the said carrier's applicable tariff on file with the Commission and (2) transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver; and

RESTRICTED AGAINST (1) transportation solely within the Commonwealth of Virginia and (2) any passenger transportation for hire on an individual fare paying basis in competition with any existing, scheduled, regular-route, passenger transportation service performed by, or under a contract with, the Federal Government, a signatory to the Compact, a political subdivision of a signatory, or the Washington Metropolitan Area Transit Authority.

THIS CERTIFICATE OF AUTHORITY DOES NOT AUTHORIZE ANY TRANSPORTATION BY ANY PERSON OTHER THAN THE CARRIER NAMED HEREON.

THIS CERTIFICATE OF AUTHORITY IS NOT VALID UNLESS THE CARRIER NAMED HEREON IS IN COMPLIANCE WITH THE INSURANCE REQUIREMENTS OF THE COMMISSION.

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IT IS A FURTHER CONDITION of this certificate of authority that the carrier named hereon shall (a) provide safe and adequate transportation service, equipment, and facilities; and (b) observe and enforce Commission Regulations.